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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,663	09/28/2001	Anthony J. Baerlocher	0112300-455	5250
29159	7590	11/28/2003	EXAMINER	
BELL, BOYD & LLOYD LLC			RADA, ALEX P	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	

3714

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,663

Applicant(s)

BAERLOCHER ET AL.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In a response to the Request for Continued Examination (RCE) filed September 15, 2003 in which the applicant's have amended claims 1, 13, 19, 21, and 25, adds new claims 26-41, and claims 1-41 are pending in this office action.

Claim Objections

1. Claim 39 objected to because of the following informalities: Claim 39 depends from claim 39. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas '255 in view of Demar '660.
4. Thomas discloses a processor (figure 12), a plurality of selections (figure 8), a plurality of awards associated with the selections, at least one supplementing award associated with at least one of the selection, and a probability of selecting an award associated with each of the awards as recited in claims 1, 13, 19, 21, 25, and 26; the selections are player selectable as recited in claims 2, 15, and 31; at least one database of the awards and the supplementing awards

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accessible by the processor as recited in claim 3; a plurality of databases accessible by the processor wherein each database has a number of awards (within side game machine) as recited in claim 4; the award generation having an additional selection and selections not previously selected as recited in claims 7 and 8; the award generation yields another award and the plurality of selections not previously selected as recited in claims 9-10 and 38-39; a plurality of awards are displayed on an electromechanical device as recited in claims 11 and 40; the award generation chooses from remaining unselected awards of the plurality of awards as recited in claim 20; the display device and the processor are adapted to provide at least one additional selection as an outcome of the award generation as recited in claim 23; the probabilities associated with at least two of the awards are different as recited in claim 27; the probabilities associated with at least two of the awards are the same as recited in claim 28; at least one database (storage means) of the awards accessible by the processor (inside gaming machine 10) and has a number of awards as recited in claims 18, 32 and 33; the award generation includes an additional selection as recited in claim 36; the additional selection is one of the plurality of selections not previously selected as recited in claim 37.

Thomas does not expressly disclose a supplementing award including an award is automatically provided to the player and at least one additional award generation which automatically provides an independent additional award to the player of the supplementing award as recited in claims 1, 13, 19, 21-22, 25, and 26; the award generation provides a number of game credits or a game credit multiplier as recited in claims 5, 16, and 34; the award generation having a randomly generated award, a predetermined award, or a number of free games as recited in claims 6, 17, 24, and 35; the supplementing award limit defining a maximum

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number of supplementing awards associated with the selections as recited in claims 12 and 41; the processor generates a supplementing award from among the plurality of awards as recited in claim 14; the probability associated with the supplementing award is less than the probabilities associated with a least one of the awards as recited in claim 29; the probability associated with the supplementing award is greater than the probabilities associated with a least one of the awards as recited in claim 30.

Demar teaches a supplementing award including an award is automatically provided to the player and at least one additional award generation which automatically provides an independent additional award to the player of the supplementing award, in which the examiner interprets to be the player by a random means landing on "chance" or "community chest" and generating an award and advancing a player to a different space on the board to receive an additional award randomly (column 22, line 52-67), the award being credit award generation provides a number of game credits or a game credit multiplier (figure 10 and 16), the award generation having a randomly generated award, a predetermined award, or a number of free games (figure 10 and 16), the supplementing award limit defining a maximum number of supplementing awards associated with the selections, in which the examiner interprets to be one, the processor generates a supplementing award from among the plurality of awards (table B-2), the probability associated with the supplementing award is less than the probabilities associated with a least one of the awards and the probability associated with the supplementing award is greater than the probabilities associated with a least one of the awards. By having a supplementing award including an award that is automatically provided to the player and at least one additional award generation with an associated probability, which automatically provides an

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independent additional award to the player of the supplementing award, one of ordinary skill in the art would provide game players with a guaranteed win and an increased payout outcome.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Thomas to include a supplementing award including an award is automatically provided to the player and at least one additional award generation which automatically provides an independent additional award to the player of the supplementing award, the award being credit award generation provides a number of game credits or a game credit multiplier, the award generation having a randomly generated award, a predetermined award, or a number of free games, the supplementing award limit defining a maximum number of supplementing awards associated with the selections, the processor generates a supplementing award from among the plurality of awards, the probability associated with the supplementing award is less than the probabilities associated with a least one of the awards and the probability associated with the supplementing award is greater than the probabilities associated with a least one of the awards as taught by Demar. To do so would provide game players with a guaranteed win and an increased payout outcome.

Conclusion

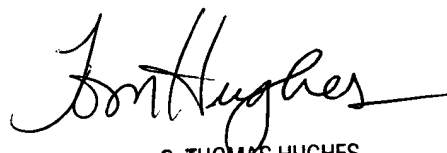
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

APR
Apr



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700